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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,915	11/29/2001	Bhupesh Gupta	AUS920010888US1	6707

7590 02/23/2006

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EXAMINER

SAIN, GAUTAM

ART UNIT PAPER NUMBER

2176

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/997,915	Applicant(s) GUPTA, BHUPESH	
	Examiner Gautam Sain	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

- 1) This is a Non Final rejection in response to Appeal Brief filed on 12/11/05.
- 2) Claims 1-33 are pending.

***Claim Rejections - 35 USC § 103***

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3-1) **Claim 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US 6032162, issued Feb 29, 2000), in view of Li et al (US 6631496, filed Mar 22, 1999).**

Regarding claims 1, 9, 17, 25, Burke teaches web page to be bookmarked... on a server (ie., URL file to identify HTML tags for type indicators to see if it belongs to previously stored category)(col 4, line 65 – col 5, lines 20).

Burke teaches downloading ... a category (ie., bookmarks previously stored ... sub-category of topics ... stock prices ...)(col 5, lines 8-24; col 7, lines 10-15).

Burke teaches creating ...in the bookmark folder ... name (ie., bookmarks categorized by theme/topic under master set of themes/topics)(col 5, lines 8-24).

Burke teaches storing ... sub-folder (ie., collates and merges set of bookmarks)(col 5, lines 8-24).

Burke does not expressly teach *determining* but does suggest the limitation because Burke does teach storing because storing bookmarks with associated data (col 3, lines 1-5)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burke to include determining if a book is categorized or not, providing the benefit of categorizing a bookmark for the first time, the controller of Burke must determine that the bookmark is not yet categorized/classified/merged, else there would be no bookmarks stored and further motivated by a sophisticated organization for automatically classifying bookmarks according to the content of the documents they mark (Li, col 1, lines 47-51).

**Regarding claims 2, 10, 18, 26**, Burke teaches determining ... creating the sub-folder (ie., determining if previously stored file of bookmarks does not exists, then controller creates a file)(col 5, lines 54-60).

**Regarding claim 3, 11, 19, 27**, Burke teaches if there already ... not created (ie., controller collates in designated files – which encompass sub-categories)(col 5, lines 8-20).

**Regarding claims 4, 12, 20, 28**, Burke teaches if the Web page ... sub-folder (ie., for a file where a bookmark does not exist, the controller stores the collated non-merged bookmarks in the created file with only user identification information)(col 5, lines 54-61).

**Regarding claims 5, 13, 21, 29**, Burke teaches if the Web page ... assigned a category (ie., user can select and transfer data from bookmarks stored in the

downloaded system which is requested by the user using the URL and the system returns the file and corresponding information)(col 6, lines 15-23).

**Regarding claims 6, 14, 22, 30,** Burke teaches after web page has been assigned a category ... default sub-folder (ie., the downloaded bookmark has a theme or topic which is more than the default useid and password file)(col 5, lines 10-20; lines 54-60).

**Regarding claims 7, 15, 23, 31,** Burke teaches determining ... creating the sub-folder (ie., determining if previously stored file of bookmarks does not exists, then controller creates a file)(col 5, lines 54-60).

**Regarding claims 8, 16, 24, 32,** Burke teaches if there already ... existed sub-folder (ie., previously stored file with theme and topic)(col 5, lines 8-20).

**Regarding claim 33,** Burke teaches ... web page to be bookmarked ... remote computer system (ie., URL file to identify HTML tags for type indicators to see if it belongs to previously stored category)(col 4, line 65 – col 5, lines 20).

Burke teaches downloading ... category (ie., bookmarks previously stored ... sub-category of topics ... stock prices ...)(col 5, lines 8-24; col 7, lines 10-15).

Burke teaches determining ... folder on the local computer system (ie., determining if previously stored file of bookmarks does not exists, then controller creates a file)(col 5, lines 54-60).

Burke teaches storing ... sub-folder (ie., collates and merges set of bookmarks)(col 5, lines 8-24).

Burke teaches creating ... in the bookmark folder ... for the sub-folder (ie., bookmarks categorized by theme/topic under master set of themes/topics)(col 5, lines 8-24).

Burke teaches storing ... sub-folder (ie., collates and merges set of bookmarks)(col 5, lines 8-24).

Burke does not expressly teach *determining* but does suggest the limitation because Burke does teach storing because storing bookmarks with associated data (col 3, lines 1-5)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burke to include determining if a book is categorized or not, providing the benefit of categorizing a bookmark for the first time, the controller of Burke must determine that the bookmark is not yet categorized/classified/merged, else there would be no bookmarks stored and further motivated by a sophisticated organization for automatically classifying bookmarks according to the content of the documents they mark (Li, col 1, lines 47-51).

### **Response to Arguments**

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed 12/11/05 have been fully considered but they are not persuasive. Applicant argues that Burke does not teach, show or so much as suggest bookmarking pages by first **determining whether a server has assigned a category to the page** as claimed. The Examiner disagrees and asserts that this limitation is suggested, at the very least inherently because in order to categorize a bookmark for the first time, the controller of Burke must

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determine that the bookmark is not yet categorized/classified/merged, else there would be no bookmarks stored. Specifically, file contents are parsed in order to identify HTML tags that identify HTML statements (col 5, lines 1-3) such that the controller collates the bookmarks by categorizing the bookmarks by theme and topics according to a master set of theme and topics codes (col 5, lines 10-20). In order to do this, it is inherent for the controller to classify the bookmarks to properly categorize them. The controller creates a file and stores the collated non-merged bookmarks in the created file (col 5, lines 58-61). This shows that a distinction is made for bookmarks not merged in the file and if it not merged, then it is to be merged and will be collated and categorized by theme and topic. The secondary reference, Li, further suggests that developing a sophisticated organization for automatically classifying bookmarks according to contents, was well known at the time of the invention (Li, col 1, lines 45-50).

Additionally, Applicant argues that the references do not teach inventive portions that are used for Titles (see Appeal Brief, page 4, bolded sections). Examiner notes that there is no mention of Titles in the claimed invention, expressly.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.S.

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